

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**STATE OF MISSOURI,**

**Respondent,**

**v.**

**PREN B. ROSS,**

**Appellant.**

---

**DOCKET NUMBER WD71872**

**Date: May 17, 2011**

---

Appeal from:  
Worth County Circuit Court  
The Honorable Joel A. Miller, Judge

---

Appellate Judges:  
Division Four: Lisa White Hardwick, Chief Judge, Presiding, James M. Smart,  
Judge and Gregory Gillis, Special Judge

---

Attorneys:  
Jeffrey S. Eastman, Gladstone, MO, for appellant.  
Jayne T. Woods, Jefferson City, MO, for respondent.

# MISSOURI APPELLATE COURT OPINION SUMMARY

## COURT OF APPEALS -- WESTERN DISTRICT

STATE OF MISSOURI

Respondent,

v.

PREN B. ROSS,

Appellant.

WD71872

Worth County

Before Division Four: Lisa White Hardwick, Chief Judge, Presiding,  
James M. Smart, Judge and Gregory Gillis, Special Judge

Pren Ross appeals his conviction for driving while intoxicated. He contends the circuit court erred in admitting the results of a blood alcohol test because the arresting officer did not have a valid permit to operate the breathalyzer due to the effects of Executive Order 07-05.

### **AFFIRMED.**

**Division Four holds:** Although Executive Order 07-05 initiated a process to transfer authority for the Blood Alcohol Program (BAP) from the Missouri Department of Health and Senior Services (DHSS) to the Missouri Department of Transportation (MoDOT), the transfer was never fully implemented and was ultimately revoked by a subsequent executive order. Thus, the fact that the arresting officer's permit was issued by DHSS, rather than MoDOT, did not invalidate the breathalyzer test results. The judgment is affirmed.

Opinion by: Lisa White Hardwick, Chief Judge

May 17, 2011

**THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.**